



33 (ii) the conveyance is approved by:

34 (A) the owners of at least ~~[75%]~~ 67% of the lots, units, or parcels on the plat, after the  
35 municipality gives its approval[-];

36 (B) if the conveyance will occur during the period of administrative control, as defined  
37 in Section 57-8-3 or 57-8a-102, the declarant, as defined in Section 57-8-3 or 57-8a-102; and

38 (C) if the conveyance will result in a violation of an ordinance in effect at the time the  
39 plat was recorded that regulated the amount of open space required for approval of the plat,  
40 regardless of whether the ordinance is currently in effect, the municipality.

41 ~~[(b)]~~ (c) A notice of the ~~[owner]~~ approval described in Subsection (1)~~[(a)]~~(b)(ii) shall  
42 be:

43 (i) attached as an exhibit to the document of conveyance; or

44 (ii) recorded concurrently with the conveyance as a separate document.

45 (2) The ownership interest in a parcel described in Subsection (1)(a) shall:

46 (a) for purposes of assessment, be divided equally among all parcels created by the  
47 plat, unless a different division of interest for assessment purposes is indicated on the plat or an  
48 accompanying recorded document; and

49 (b) be considered to be included in the description of each instrument describing a  
50 parcel on the plat by its identifying plat number, even if the common or community area  
51 interest is not explicitly stated in the instrument.

52 (3) A parcel ~~[designated as common or community area on a plat before, on, or after~~  
53 ~~May 12, 2015;]~~ described in Subsection (1)(a) may be modified in size and location if the  
54 modification:

55 (a) is approved as part of a subdivision plat amendment by the local government;

56 (b) is approved by at least ~~[75%]~~ 67% of the voting interests in a homeowners  
57 association having an interest in the common or community area, if any;

58 (c) is approved by at least ~~[75%]~~ 67% of the owners of lots, units, or parcels on the plat  
59 if there is no homeowners association having an interest in the common or community area, if  
60 any; and

61 (d) does not create a new buildable lot.

62 (4) A parcel ~~[designated as common or community area on a plat before, on, or after~~  
63 ~~May 12, 2015;]~~ described in Subsection (1)(a) may be modified in size without a subdivision

64 plat amendment approval by the local government, if the modification:

65 (a) is a lot line adjustment approved by at least ~~[75%]~~ 67% of the voting interests in a  
66 homeowners association having an interest in the common or community area, if any;

67 (b) is approved by at least ~~[75%]~~ 67% of the owners of lots, units, or parcels on the plat  
68 if there is no homeowners association having an interest in the common or community area, if  
69 any; and

70 (c) does not create a new buildable lot.

71 (5) The provisions of this section apply regardless of when the parcel is designated as a  
72 common area and facility, as defined in Section 57-8-3, or a common area, as defined in  
73 Section 57-8a-102.

74 Section 2. Section **17-27a-606** is amended to read:

75 **17-27a-606. Common area parcels on a plat -- No separate ownership --**  
76 **Ownership interest equally divided among other parcels on plat and included in**  
77 **description of other parcels.**

78 (1) (a) A parcel designated as a common ~~[or community area]~~ area and facility, as  
79 defined in Section 57-8-3, or a common area, as defined in Section 57-8a-102, on a plat  
80 recorded in compliance with this part may not be separately owned or conveyed independent of  
81 the other lots, units, or parcels created by the plat ~~[unless:]~~.

82 (b) Subsection (1)(a) does not apply if:

83 (i) the parcel is being acquired by a county for a governmental purpose; ~~[and]~~ or

84 (ii) the conveyance is approved by:

85 (A) the owners of at least ~~[75%]~~ 67% of the lots, units, or parcels on the plat, after the  
86 county gives its approval[-];

87 (B) if the conveyance will occur during the period of administrative control, as defined  
88 in Section 57-8-3 or 57-8a-102, the declarant, as defined in Section 57-8-3 or 57-8a-102; and

89 (C) if the conveyance will result in a violation of an ordinance in effect at the time the  
90 plat was recorded that regulated the amount of open space required for approval of the plat,  
91 regardless of whether the ordinance is currently in effect, the county.

92 ~~[(b)]~~ (c) A notice of the approval ~~[required]~~ described in Subsection (1)~~[(a)]~~(b)(ii) shall  
93 be:

94 (i) attached as an exhibit to the document of conveyance; or

95 (ii) recorded concurrently with the conveyance as a separate document.

96 (2) The ownership interest in a parcel described in Subsection (1)(a) shall:

97 (a) for purposes of assessment, be divided equally among all parcels created by the  
98 plat, unless a different division of interest for assessment purposes is indicated on the plat or an  
99 accompanying recorded document; and

100 (b) be considered to be included in the description of each instrument describing a  
101 parcel on the plat by its identifying plat number, even if the common or community area  
102 interest is not explicitly stated in the instrument.

103 (3) A parcel [~~designated as common or community area on a plat before, on, or after~~  
104 ~~May 12, 2015;~~] described in Subsection (1)(a) may be modified in size and location if the  
105 modification:

106 (a) is approved as part of a subdivision plat amendment by the local government;

107 (b) is approved by at least [~~75%~~] 67% of the voting interests in a homeowners  
108 association having an interest in the common or community area, if any;

109 (c) is approved by at least [~~75%~~] 67% of the owners of lots, units, or parcels on the plat  
110 if there is no homeowners association having an interest in the common or community area, if  
111 any; and

112 (d) does not create a new buildable lot.

113 (4) A parcel [~~designated as common or community area on a plat before, on, or after~~  
114 ~~May 12, 2015;~~] described in Subsection (1)(a) may be modified in size without a subdivision  
115 plat amendment approval by the local government, if the modification:

116 (a) is a lot line adjustment approved by at least [~~75%~~] 67% of the voting interests in a  
117 homeowners association having an interest in the common or community area, if any;

118 (b) is approved by at least [~~75%~~] 67% of the owners of lots, units, or parcels on the plat  
119 if there is no homeowners association having an interest in the common or community area, if  
120 any; and

121 (c) does not create a new buildable lot.

122 (5) The provisions of this section apply regardless of when the parcel is designated as a  
123 common area and facility, as defined in Section 57-8-3, or a common area, as defined in  
124 Section 57-8a-102.